THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6357 of 2006

Date: 03.09.2007

Between:

M. Jaya Rao.

..... PETITIONER

AND

The Chairman-cum-Managing Director,
Bharat Sanchar Nigam Limited,
Statesman House, Barakhamba Road,
New Delhi and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6357 of 2006

Order:

This writ petition is filed seeking a direction to the respondents to extend the benefit of lowering the qualifying standards and to allow grace marks for the examination of Junior Accounts Officer (JAO) Part-II held in September 2003 in favour of the petitioner, as extended to the candidates, who appeared for J.A.O Part-II examination held in December 2000.

The main contention of the learned counsel for the petitioner is that the petitioner has appeared for the Junior Accounts Officers (Part-II) Examination held in September 2003, but failed in securing qualifying marks. He further submits that the Department, having relaxed the qualifying standards and having awarded grace marks as a special case to some of the similarly situated employees, failed to extend the same benefit to the petitioner.

On the other hand, learned Standing Counsel for the respondents, on instructions, submits that earlier some similarly situated employees filed writ petitions in W.P. Nos. 16015 and 16413 of 2004, stating that BSNL relaxed the standards for the qualifying examination for the post of Junior Telecom Officer (JTO), so the same relaxation has to be granted for the post of Junior Accounts Officer (JAO). This Court allowed the said writ petitions directing the respondents to consider the matter afresh, keeping in view the relaxation given for the posts of JTOs. Pursuant to the said directions, respondents considered the matter and rejected the representation of the petitioners therein by order dated 08.11.2005. Aggrieved by the said order, they again filed Writ Petition

No.26528 of 2005, which was dismissed by this Court vide order dated 28.12.2005. He further submits that unless and until any irregularity is shown by the petitioner in conducting the examinations, no relief, much less the relief sought by the petitioner, can be granted.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-BSNL and perused the material on record.

The next superior post for the petitioner is JAO. Appointment to that post is purely by way of promotion, but subject to passing of Part-I and II examinations, conducted for that purpose. The petitioner, who passed Junior Accounts Officers (Part-I) examination in November 1999, appeared in Junior Accounts Officers (Part-II) Examination held in September 2003, and he did not secure the minimum qualifying marks. The petitioner, having failed to secure qualified marks in the said examination, filed the present writ petition contending that the Department relaxed the qualifying standards and awarded grace marks as a special case to some of the similarly situated employees, but failed to extend the same benefit to him. I am unable to accept the said contention for the reason that it is for the appointing authority to prescribe the tests, qualifying marks for passing such tests as well as the standards required, for selecting the candidates for appointment or promotion to any particular post. Such qualifications or standards would in turn depend upon the nature of duties to be discharged by the candidates, selected for the posts concerned. Therefore, this Court would not interfere in matters of evaluation of standards prescribed by the academic agencies or appointing authorities, and direct them to relax the conditions or award grace marks. At any rate, no individual has a fundamental, or legal right, to insist that the standards of a given test, must be of a particular level; much less compel the authority, to relax the standards, stipulated by it. The petitioner, having failed to secure the qualifying marks in the examination, cannot be allowed to

contend that he may be declared as qualified by awarding grace marks as a special case. It is in the realm of the authorities concerned to consider the same if any injustice is caused to the petitioner in conducting the examination, and this Court, in exercise of jurisdiction under Article 226 of the Constitution of India, cannot interfere in the matter and grant any relief.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 03.09.2007
Nsr